



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,664	02/23/2004	Kimothy C. Levia	6083P2770	2326
<div>23504 7590 08/24/2007</div> <div>WEISS & MOY PC</div> <div>4204 NORTH BROWN AVENUE</div> <div>SCOTTSDALE, AZ 85251</div>				
			<div>EXAMINER</div> <div>NICOLAS, FREDERICK C</div>	
			<div>ART UNIT</div> <div>3754</div>	<div>PAPER NUMBER</div>
			<div>MAIL DATE</div> <div>08/24/2007</div>	<div>DELIVERY MODE</div> <div>PAPER</div>

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/784,664

Applicant(s)

LEVIA, KIMOTHY C.

Examiner

Frederick C. Nicolas

Art Unit

3754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4,5,8,11-16 and 18-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4,5,8,11-16 and 18-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/2/2007 has been entered.

Claim Objections

2. Claims 5,16,19 are objected to because of the following informalities: the claimed limitation "vehicle fluid" as recited in claim 5, line 2, in claim 16, line 13, in claim 19, line 2, should be --said vehicle fluid--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 21-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

I- Claim 21 recites the limitation "said flexible vehicle fluid container bladder" in lines 16-17. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1,4-5,8,11-12,16,18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fitter 6,675,842 in view of Clark 5,560,522.

Fitter discloses a fluid delivery apparatus as seen in Figure 1, which comprises in combination a flexible fluid container/bladder (20) having an integral nozzle (28), a hose (34) coupled at a first end thereof to the first integral nozzle, a valve (84), a cap (32), a second nozzle (86), an attachment device (26). Fitter lacks that the fluid being a vehicle fluid. Clark teaches the use of a flexible vehicle fluid container (14) having a valve (10), a cap (18), an integral nozzle (12), a second nozzle (68), wherein the second nozzle is adapted to be positioned proximate a vehicle fluid fill opening (col. 4, ll. 36-62), and within the container is a vehicle fluid (col. 1, ll. 7-23).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize Clark's teaching onto Fitter's apparatus by substituting Fitter's fluid product with Clark's vehicle fluid and to utilize such product into Clark's motor vehicle, in order to provide a fluid delivery system for a motor vehicle that reduces or eliminates spillage when disconnecting a delivery tube from the fluid container.

The device shown by Fitter and Clark will perform the method recited in claims 16,18-19 during normal operational use of the device.

7. Claims 13-15,20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fitter 6,675,842 in view of clark 5,560,522 as applied to claim 1, and further in view of Gatzke 2003/0015554.

Fitter-Clark in combination has taught all the features of the claimed invention except that an attachment device adapted to attach the flexible container to an object and the object is a vehicle hood. Gatzke teaches the use of a container (42) with an attachment device (58).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Gatzke's attachment device onto the device of Fitter and Clark, in order to suspend the device from inside of a hood.

8. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Huffer 2003/0230604 in view of clark 5,560,522.

Huffer discloses a vehicle fluid delivery apparatus (col. 1, paragraph [0008]), which comprises a flexible fluid container/bladder (10) having an integral nozzle (22) and a flat portion as seen in Figures 1-2, vehicle fluid in the bladder (col. 1, paragraph [0008]), wherein the bladder is sufficiently flexible to that the sides will contract against each other as the vehicle fluid exits therefrom via the integral first nozzle, so that the bladder will have a second exterior size which is smaller than the first exterior size as seen in Figure 5. Huffer lacks a nozzle coupled to the flexible vehicle fluid container. Clark teaches the used of a nozzle (115) coupled a flexible vehicle fluid container (14).

It would have been obvious to one having ordinary skill in the art at the time the invention was to provide Clark's nozzle onto the Huffer's flexible container, in order to dispense the vehicle fluid in a hard to reach position.

9. Claims 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huffer 2003/0230604 in view of Clark 5,560,522 as applied to claim 21, and further in view of Pedersen et al. 5,624,062.

Huffer-Clark in combination has taught all the features of the claimed invention except that the vehicle fluid is brake fluid and the bladder has a bendable neck.

Pedersen et al. teach the use of a flexible vehicle fluid container (12) with a bendable neck (24), within the container is brake fluid (col. 3, ll. 1-9).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute the vehicle fluid of Huffer and Clark with the vehicle fluid of Pedersen et al., in order to dispense brake fluid as such material is notoriously known in the art.

Further, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teaching of Pedersen et al. onto the integral nozzle of Huffer and Clark, in order to provide a nozzle that has a bendable nature and allows for the selective direction of the nozzle.

Response to Arguments

10. Applicant's arguments filed 8/2/2007 have been fully considered but are moot in view of the new ground(s) of rejection.

Art Unit: 3754


Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frederick C. Nicolas whose telephone number is (571)-272-4931. The examiner can normally be reached on Monday - Friday from 9:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin P. Shaver, can be reached on 571-272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FN
August 13, 2007

 8/13/07
Frederick C. Nicolas
Primary Examiner
Art Unit 3754